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Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

AUDUBON SOCIETY OF PORTLAND, )  
WILDLIFE DEFENSE FUND, CENTER FOR )  
BIOLOGICAL DIVERSITY, FRIENDS OF )  
ANIMALS, )  
Plaintiffs, )  
v. )  
U.S. ARMY CORPS OF ENGINEERS, U.S. )  
FISH AND WILDLIFE SERVICE, USDA )  
WILDLIFE SERVICES, )  
Defendants. )

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I, Robert Winters, declare as follows:

1. I have been employed by the U.S. Army Corps of Engineers (Corps), Portland District, since 2010. I am the Corps project manager for the Double-crested cormorant management plan (DCCO management plan). As such, I am familiar with the DCCO management plan and the Corps' Record of Decision (ROD) to implement the DCCO management plan as described in the *Double-Crested Cormorant Management Plan to Reduce Predation of Juvenile Salmonids in the Columbia River Estuary Environmental Impact Statement* (EIS).

2. I am also aware of the lawsuit filed by the Audubon Society and others on April 20, 2015. I am currently involved in assembling the administrative record for the Corps' ROD to implement the DCCO management plan as described in the EIS. The Corps' administrative record will include all documents that were directly or indirectly considered by the agency decision-maker.

3. I have been advised of inquiries by the plaintiffs for a draft compensatory mortality analysis purportedly prepared by the United States Fish and Wildlife Service (USFWS) which the plaintiffs believe was transmitted to the USFWS regional office of migratory birds on March 15, 2015. This document was never received by the Corps, was not before the Corps during its decision-making process, nor was the document directly or indirectly considered by the decision-maker in selecting the plan in the ROD. Therefore, it will not be included in the Corps' administrative record.

4. I have also reviewed Plaintiffs' Motion for Preliminary Injunction and the materials attached as exhibits (a) through (j) to the declaration of Plaintiffs' counsel Daniel Rohlf. With the exception of (i) "Estuary Partnership, Lower Columbia Estuary Plan (2011)", it is my understanding that all of these documents were directly or indirectly considered by the decision-maker in selecting the plan in the ROD and will therefore be part of the agency's administrative record.

5. The Corps is prepared to include relevant documents that were directly or indirectly considered by the agency decision-maker for the court's consideration as exhibits to the United

States' brief in opposition to the Plaintiffs' Motion for a Preliminary Injunction. I anticipate that it will require a minimum of 90 days for the Corps to assemble and file the complete administrative record.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 1st day of May, 2015, in Portland, Oregon.



ROBERT WINTERS  
Project Manager